

Applicants: Cornelia J. Forster et al.
Application No.: 10/632,340

REMARKS

Telephone Conversations

Applicants thank the Examiner for the courtesy of the August 13, 2007, September 11, 2007, and September 27, 2007 telephone conversations regarding the obviousness double patenting rejection. As a result of the conversations, applicants are amending the claims and filing a terminal disclaimer. Applicants respectfully submit that this application is in order for allowance.

The Claim Amendments

Applicants have amended the claims to reinstate the claims as filed in applicants' January 25, 2007 Amendment and Reply ("January Amendment").

More specifically, applicants have amended the definition of R³ in claims 1, 3, and 4 back to the definition of R³ in the January Amendment claims.

Applicants have amended claims 12 and 24 to add back in compounds that had been deleted from the January Amendment claims.

Applicants have added new claims 25-28 to reinstate claims 2 and 9-11 that applicants canceled in the January Amendment. New claims 25-28 are identical to previously canceled claims 2 and 9-11 from the January Amendment.

The new claims and the original claims correspond as follows:

Original Claims	New Claim
2	25
9-11	26-28

Support for these amendments may be found in the claims and specification as originally filed.

The Obviousness-Type Double Patenting Rejection

In a February 26, 2007 Final Office Action, the Examiner indicated that the claims of the January Amendment were allowable except for an obviousness-type double patenting rejection. The Examiner further indicated that a terminal disclaimer could have been used to overcome the rejection. Instead of filing a terminal disclaimer, applicants narrowed the claims and argued the obviousness-type double

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patenting rejection. The Examiner issued an advisory action entering the claims but rejecting the claims because of an obviousness-type double patenting rejection.

In a subsequent telephone conversation, the Examiner indicated to applicants' agent that, in order to overcome the rejection, applicants had one of three options:

- 1) provide sufficient argument that the compounds were not obvious;
- 2) file a request for continued examination with a 1.132 declaration showing surprising results; or
- 3) file a terminal disclaimer.

In a later telephone conversation, the Examiner indicated that applicants could amend the claims to reinstate the claims that were originally filed in the January Amendment and file the terminal disclaimer without filing an RCE.

Solely for the purpose of expediting allowance, applicants have now reinstated the claims of the January Amendment and have submitted herewith a terminal disclaimer. Applicants respectfully submit that this application is in order for allowance.

CONCLUSION

Applicants request that the Examiner enter the above amendments, consider the accompanying remarks, and allow the claims to pass to issue. If the Examiner believes that a telephone call would expedite prosecution, the Examiner is invited to contact the undersigned at any time.

Respectfully submitted,

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